

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**Amendment No. 1 to SB1804**

**Southerland  
Signature of Sponsor**

**AMEND Senate Bill No. 1804\***

**House Bill No. 1354**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 46, is amended by adding Sections 2 through 6 as a new chapter thereto.

SECTION 2. This chapter is intended to encourage owners of private property upon which a cemetery or graves are located to allow ingress and egress to the cemetery or graves by persons requesting access to them.

SECTION 3. For the purposes of this chapter, unless the context otherwise requires:

(1) "Cemetery" means any land or structure in this state dedicated to and used for interment of human remains;

(2) "Grave" means a space of ground used for lawful interment of human remains; and

(3) "Human remains" or "remains" means the body of a deceased person and includes the body in any stage of decomposition and cremated remains.

SECTION 4.

(a) Upon the request of any person in writing or in person, a landowner may allow access to a cemetery or graves located on private property in a manner consistent with this chapter.

(b) A landowner who has given permission to a person to access a cemetery or graves shall designate an access route to the cemetery or graves. No person shall be authorized to use any access route other than those designated by the landowner.

(c) Entry upon the private property of another for the purpose of accessing a cemetery or graves shall only occur at a reasonable time, under reasonable

circumstances and in a reasonable manner. The reasonableness of time, circumstances and manner of entry shall be in the sole discretion of the landowner.

(d) All persons exercising access to a cemetery or to graves pursuant to this chapter shall conduct themselves in a manner that does not damage private properties, the cemetery or graves. All such persons are liable to the owner of private properties for any damage occurring from their ingress to or egress from the cemetery or graves.

(e) Any person who enters upon the property of another for the purpose of accessing a cemetery or graves who is not authorized to do so pursuant to this chapter and any person who undertakes ingress or egress in a manner contrary to this chapter is subject to all remedies provided by this chapter and any other applicable provision of law, including without limitation criminal trespass pursuant to § 39-14-405.

SECTION 5. Persons may be granted ingress and egress to a landowner's private property for the purposes of:

(1) Visiting graves;

(2) Maintaining the grave site or cemetery; provided, however, that cemetery or grave maintenance, including the manner of such maintenance, must be approved in writing by the landowner; and

(3) Burying human remains in a cemetery plot by those persons granted rights of burial to such cemetery plot.

SECTION 6. A landowner who allows access to a cemetery or graves located on the landowner's private property pursuant to this chapter, including a landowner who is a corporation, partnership, association or other corporate entity, shall not be liable for an injury to or the death of any person, or for the injury to or destruction of the personal property of any person, resulting from the presence of such person on the property of the landowner, whether or not the person is in compliance with this chapter at the time of such injury, destruction or death. No person, nor the representative of a person, who has received access to the private property

of a landowner pursuant to this chapter shall make any claim against, maintain an action against, or recover from a landowner or any other person for injury, loss, damage, or death of the person resulting from access to a landowner's private property pursuant to this chapter.

SECTION 7. This act shall take effect July 1, 2007, the public welfare requiring it.